IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 56 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ASSOCIATED TECHNICAL SERVICES

Versus

GUJARAT INDUSTRIAL DEVELOPMENTCORPORATION

Appearance:

MR KV SHELAT for the Petitioner.

MR MB GANDHI for Respondent No. 1

MRS TRUSHA M GANDHI for Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 20/01/2003

ORAL JUDGEMENT

Rule. Learned counsel Mr. M.B.Gandhi waives service of notice of Rule on behalf of the

respondent. Heard the learned counsel for the parties. The competent authority has passed the order dated 11.12.2002. The main grievance of the petitioner is that the petitioner has filed reply to the notice dated 9.12.2002 and the learned advocate for the petitioner had personally gone and filed that reply to the notice dated 9.12.2002. Still however, the authority has treated that no one was present on behalf of the petitioner and has passed the impugned order for the recovery of Rs. 13,48,288/- and for evicting the petitioner from the premises in dispute. Since the reply to the notice had already been filed by the petitioner on 9.12.2002 and that reply has not been considered by the competent authority, while passing the impugned order dated 11.12.2002, learned advocate Mr. Gandhi agrees to give an opportunity of hearing to the petitioner in case the petitioner deposits Rs. 1 lac with the respondent.

2. In the facts and circumstances of the case, this petition is being disposed of finally. The impugned order dated 11.12.2002 at Annexure "I" passed by the respondent authority is hereby quashed and set aside. The petitioner is directed to deposit Rs. 1 lac with the respondent authority within two weeks from today. The respondent authority will decide the matter in accordance with law, after giving an opportunity of hearing to the petitioner, within two week therefrom. Rule made absolute to above extent accordingly with no order as to costs.

(Kundan Singh,J)

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